

and as such, in essence, the request is not for the 'a recipient. And therefore, as claim recites 'anything is not to be received from the recipient' by the 'a requester.'"

Applicants do not see the relevance of the Examiner's reply. Claim 1 recites a "data transmission apparatus comprising ... a requester to transmit a request to a recipient to which the image data stored in the storage device is to be sent." Toyota does not disclose or suggest such features. Regardless of the recitation in claim 1 of a first receiver and a second receiver, Toyota still does not disclose "a requester to transmit a request to a recipient to which the image data stored in the storage device is to be sent."

Toyota discloses a capability exchange section 31, cited by the Examiner as disclosing applicant's previously recited requester, and an IFAX 11A, to which image data (TIFF data) is to be sent. The capability exchange section 31 does not transmit a request to the IFAX 11A. While the capability exchange section 31 may send an inquiry about capability of the IFAX 11A, such an inquiry is addressed to either a local server or a DNS server. Toyota does not disclose or suggest sending image data to either the local server or the DNS server. Accordingly, Toyota does not disclose or suggest the above quoted features of claim 1.

Furthermore, Toyota fails to disclose or suggest a "data transmission apparatus comprising ... a first receiver to receive from the recipient a recipient's designation of the contents of the conversion processes; [and] a second receiver to receive from the recipient the recipient's designation of the contents of the conversion processes via a transmission medium different from that used by the first receiver." The Examiner cites the server 13A as disclosing the first receiver and the DNS server 14A as disclosing the second receiver. Applicants respectfully disagree. While the cited servers may receive information related to capabilities, they are not part of a data transmission apparatus as claimed, they are external servers. It is not proper for the Examiner to read an apparatus claim so broadly as to construe external servers to be a part of a data

transmission apparatus. Toyoda's FIG. 1 clearly shows that the servers 13A, 14A are separate devices.

Claim 7 recites "receiving from the recipient, a designation of the contents of the conversion processes via one of multiple different transmission media specified depending on the recipient." Toyoda does not disclose or suggest such features.

The Examiner asserts that these features are disclosed at col. 7, lines 53-64, of Toyoda. However, the cited portion of Toyoda makes no such disclosure. col. 7, lines 53-64, of Toyoda discloses that an inquiry about capability is first sent from an IFAX to a server 13A, and that when the server 13A does not have the capability information it sends a "NO" response to the IFAX, which then sends an inquiry about capability to a DNS server 14A. This disclosure is not related to receiving information from a recipient "via one of multiple different transmission media specified depending on the recipient" as recited in claim 7. Only one transmission media is disclosed by Toyoda.

Claim 8 recites "setting a transmission medium, by which recipient's designation of the contents of the conversion processes is received, to a first transmission medium or to a second transmission medium depending on the recipient," and is allowable for at least the same reasons as claim 7.

Claims 6, 12 and 13 depend from allowable claims and are allowable due at least to their respective dependencies.

Claims 2-5 and 9-11 stand rejected under 35 USC 103(a) on Toyoda in view of Iwazaki (U.S. Patent No. 6,687,742). Applicant respectfully traverses this rejection.


Iwazaki fails to overcome the deficiencies of Toyoda noted above with regard to independent claims 1, 7 and 8. Accordingly, claims 2-5 and 9-11, which depend from allowable claims 1 and 8, are allowable due at least to their respective dependencies.

Applicant solicits an early action allowing the claims.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief, including extensions of time, and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **325772028200**.

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Respectfully submitted,

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